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- ART. III. — 1. *Verfassung und Demokratie der Vereinigten Staaten von Nord America*. Von DR. v. HOLST, A. O. Professor an der Universität Strassburg. 1 Theil. Staaten-souveranetät und Sklaverei. Düsseldorf, 1873. New York : E. Steiger.
2. *The Constitutional and Political History of the United States*. By DR. H. VON HOLST, Professor at the University of Freiburg. Translated from the German by JOHN J. LALOR and ALFRED B. MASON. 1750 — 1833. State Sovereignty and Slavery. Chicago : Callaghan & Co. 1876.

AT length the great work of Dr. v. Holst makes its appearance in an English dress. It is far from creditable to the American public that so long a time should have been allowed to elapse before producing a translation of what is certainly the best book which any foreigner has yet written on the United States, if indeed it be not the best book which has ever been written on that subject, whether by foreigner or native. What Dr. v. Holst claims in his German preface, not given in the translation, is strictly true: "So far as I know, there is as yet no work of the like range for which an equal amount of material has been collected, and in which that material has been so consciously worked." It is equally true that no other historian has followed out the main lines of our historical development with so keen a logic or so independent a spirit; and more than this, the book is a model of simple treatment and vigorous style.

Such a work was greatly needed, and it is mortifying to be obliged to confess that we know of no American who could have done it equally well. After the flood of trash which England and France have poured out with little variety for a century past on America and her institutions, it is beyond measure refreshing to find at last a man who knows what he is talking about and who attacks his subject in a way that commands respect. We commend the book without reserve to all American students; they will find in it an example of faithful study. We commend it to members of Congress; it is

not too deep for their average comprehension. We commend it to such of our professional politicians as may not be above the painful processes of self-instruction; for them it will be healthy diet. We commend it to our Fourth of July orators; without disrespect to them, we are free to say that Dr. v. Holst has written a far better centennial oration than any which the centenary has produced. We commend it to our clergy; they will find in it some healthy views on the subject of public morality. We commend it to our lawyers and our law professors; even they are not so complete masters of the science but that they may learn something from Dr. v. Holst. This book deserves to be and will doubtless become the recognized handbook for all serious students of American history.

If we praise for the moment without reservation, it is because such drawbacks as will be noticed hereafter are not of a nature to diminish the usefulness of the work to American readers, who are sure to make a liberal allowance for a foreigner's failure to admire their institutions, and who may be trusted to be sharp-sighted enough when there is any question of injustice done or attempted. They will find an amusement and a healthy intellectual exercise in seeking out for their own satisfaction the instances in which Dr. v. Holst has erred and where he shows the influence of prejudices which he has been at no pains to conceal.

Even American critics will however find it difficult to convict the author of any serious misstatement. Dr. v. Holst is, on the whole, in spite of prejudices, surprisingly accurate. He is a striking instance of the advantage of education in a good school. Only Germany can teach such method. He has lived long enough in America to understand, if not to sympathize with, the ordinary American tendencies of mind. It is true that even the Professor's wildest admirers can hardly claim for him a sense of humor that is absolutely acute, and his touch is not altogether that of Sainte-Beuve. His true German "sobriety of mind" condemns the American habit of meeting serious matters with a jest, and translates it into his book as a lack of moral sense. Perhaps he is right, and perhaps we Americans have in fact no very acute sense of moral duties, and kick against the prophets, including foreign moralists. If so,

this book will do good by the healthy rigor of its moral standard. If, on the other hand, this apparent want of convictions is only superficial, we may wrap ourselves up in our virtue and treat criticism with good-humor. In any case it would be in the last degree foolish for us to quarrel with Dr. v. Holst merely because that writer has, from an unfortunate superficial acquaintance with the exterior of Tammany Hall, imbibed some prejudices against our code of public morality, which we may hope would have yielded to a more intimate knowledge of the beneficent workings of that institution. Indeed, even among our own citizens, there are some who in the heat of political controversy are in the habit of saying as much if not more than Dr. v. Holst has said or intimated, in regard to a possible majority of their fellow-citizens, and, what is even worse, it is much to be feared that they mean what they say.

If then we have any objection to offer in regard to Dr. v. Holst's manner of meeting his subject, it is not that he has done us injustice. It is rather that, after a repeated reading of his work, in a spirit of faith which we rarely concede to the perusal of anything but "original sources," we are still in doubt what he means. In his preface to the American edition he says: "Several European critics of my work have been of opinion that my judgment of the American system of government and its working is an almost unqualified condemnation, and I do not doubt that some American readers will receive the same impression." But when we expect to hear the author go on to deny the justice of such an impression, and take pains to correct so unfair an inference, we find that he does nothing of the kind, but leaves us to grope our way in the dark as best we can. As a matter of fact, the book abounds in sharp criticism, not indeed unreasonable, but by no means flattering; in frequent allusions to American shortcomings which are rarely counterbalanced by equally spontaneous praise; in very liberal and even copious administrations of justice which are rarely tempered by mercy. Hence it is unquestionably true that the general effect left on the reader's mind is that of unqualified condemnation, as the foreign reviewers seem to have thought. Nine readers out of every ten would at once say that to them Dr. v. Holst represents that class of European critics

which patronizes American history ; which considers Washington, Hamilton, Jefferson, Madison, Marshall, the Adamses, Clay, Calhoun, and Webster as very well-meaning men, and as men of very respectable parts though of limited acquirements ; and which speaks of the American Constitution as an interesting political phenomenon in its way ; but always with the reservation implied or expressed that, as compared with the political development of Europe during the same period, say under the guidance of Friedrich Wilhelm III., v. Stein, v. Metternich, v. Brandenburg, v. Manteuffel, and v. Bismarck, that of America has little to show ; her statesmen have been hardly more than respectable, and her development of political principles has been feeble, to say the least. Dr. v. Holst himself nowhere says this, and he says very much which to our minds implies quite a different opinion. There is nothing in his book, setting aside a certain occasional asperity of criticism, which could lead any careful reader to charge him with it. But by setting up an absolute political standard so high that no people of any age or country have ever approached it, he suggests the conclusion that America has proved a lamentable failure, and he has taken no pains to warn his readers from drawing such a conclusion. They have accordingly done so, as he himself has shown. This is, however, a matter of very little consequence to Americans, who are quite able to draw their own conclusions. And indeed the same thing may be said of Dr. v. Holst's own views, should criticism succeed in deducing them from the context. The value of this work does not consist, to American readers, in the author's political theories, whatever they may be, but in his thorough mastery of his subject ; the sure hand with which he excludes all that is irrelevant, and the clear statement of all that is important in fact or principle ; the rigid application of the laws of logic and morality to historical personages and phenomena ; the keen analysis of character ; the even-handed if sometimes unnecessary severity with which justice is dealt out to parties and to party expedients. If the standard set up is somewhat too high for human nature, at least in the morally abandoned wastes of America, and if individual judgments are sometimes those of a German professor rather than those of a politician

who is forced to act within the limitations of the possible ; if when tested by the same instruments, the political history of other countries on which the sun of the moral law shines with more force than it does here, would appear a mass of inconsistencies and impurities not much preferable to our own ; yet there is this to be said for Dr. v. Holst's point of view, that foreigners may well be permitted to judge sharply, since it is pretty certain that natives will judge with foolish lenity, and we may fairly excuse ourselves for going abroad for our morals, seeing that as yet history has failed to inculcate any moral at all at home.

Another criticism on Dr. v. Holst's book, which will be further treated in the sequel, is that after granting the justice of his criticisms so far as they go, yet they do not go far enough to justify the fault he finds with the system of government. As a matter of fact, Dr. v. Holst shows no sufficient reason for his apparent conclusions. Perhaps this portion of his demonstration is reserved for a future volume. The misfortune is that the author, who brings overstrained complaints against the character of one political period, detracts from the effect of the criticisms which he has to make on the character of another. The experience of the last ten years has done much to arouse in Americans a sense of the weaknesses of their political system, and sensible criticism from any source is now very welcome to them. It would perhaps be unjust to say that the old boastfulness and arrogance, so disgusting to Dr. v. Holst, are wholly laid aside ; but they are for the most part abandoned in practical usage and reserved for show, like other curiosities. It may even be doubted whether the readers of this Review would now be greatly edified by the remark quoted from its columns with so much disapprobation by Dr. v. Holst, that "the American government has its distinctly providential element. It was God's saving gift," etc. Such confidence in what the Abbé Correa, with more good-humor and more wit than Dr. v. Holst, used to call "the special providence over the United States and little children," appears of late to have been more or less abandoned by sensible Americans ; and if one may judge from an indistinct recollection of certain telegrams of the present Emperor of Germany during

the late French war, a fair share of this youthful self-confidence seems to have fallen to the infant confederation of which Dr. v. Holst is a subject. All the more, therefore, is it necessary that criticism should be restrained from exaggeration. Its effect will be greatest where it is seen to be most free from captiousness and the imputation of ulterior motives.

With this preamble, the American reader cannot do better than to sit down in the spirit of meekness and forgiveness of injuries, and go through Dr. v. Holst's book, chapter by chapter, to draw from it the lessons that it can give.

Dr. v. Holst's intentions can only be learned from the German preface, which, for some not very obvious reason, has not been given in the translation. His original idea was to write a book on the actual social and political condition of the United States, but he very soon decided that this could not be properly done without first writing the constitutional history. This he has divided into two parts, the political and the legal. The whole work, therefore, is planned on the most comprehensive scale. The political history of the Constitution will form the first part; its complement, the legal history, the second; and the original disquisition on the present condition of the United States, the third. The volume before us is, therefore, the first instalment of the first division. It is very earnestly to be hoped that the author will carry out in its full extent his original intention.

This volume begins by a very clear statement of the political situation which preceded the formation of the Constitution, and of the inherent difficulties with which the attempt to form the new nation was surrounded. Of all these difficulties, the most serious was that the Revolutionary statesmen themselves were not clear in their ideas of what constituted a nation:—

“Particularism had become to such an extent part of the flesh and blood of the native-born colonists that it could not be renounced; nay, that it became a measure of necessity to acknowledge its supremacy after the first moment of excitement was over, and the separate interests of the States came in conflict, whether really or only apparently, with the general welfare. John Adams affords the strongest proof of this. Reason compelled him to adopt the national view, and he defended it with great zeal so long as his feelings did not get the

better of his understanding. The moment, however, that he allowed his affections to have sway, he gave evidence of his leaning towards the doctrines of the particularists. . . . One man alone [Alexander Hamilton] saw clearly from the first that it would have been as profitable to rack one's brains in the vain endeavor to square the circle [as to make one nation by means of a confederation]. The American statesman's dictionary was written in double columns, and the chief terms of his vocabulary were not infrequently inserted twice: in the right-hand column in the sense which accorded with actual facts, and was in keeping with the tendency towards particularism; in the left in their logical sense, and the sense which the logic of facts has gradually and through many a bitter struggle brought out into bold relief, and which it will finally stamp as their exclusive meaning. Nothing but the bitter experience of many years has been able to make American statesmen even partially conscious that they have been using this double-columned political lexicon. The nature of the state was to such an extent a seven-sealed enigma to them, that they, *bona fide* and in the very same breath, used the same word in the most opposite senses, and employed words as synonymous which denoted ideas absolutely irreconcilable."

The first attempt to weld the thirteen "sovereign" States into one nation, made in the form of a Confederation, was therefore necessarily a failure. Only a general conviction, reached in 1786, that a desperate crisis had been reached, brought about the second experiment, which resulted in the Constitution of 1787: —

"The masses of the American people, in their vanity and overestimate of themselves, are fond of forgetting the dreadful struggle of 1787 and 1788, or of employing it only as a foil for the 'divine inspiration' which guided and enlightened the 'Fathers' at Philadelphia. In Europe this view of the case has been generally received on faith as correct, and 'the isolated fact' in history has been held up to admiration, that thirteen States loosely bound together as one confederate body did not see in the sword the only hammer with which their political machine, which was falling to pieces, could be welded together, but met in peaceful consultation and actually united to transform a confederacy of States into a Federal state of masterly construction. In America this is an inexhaustible theme for Fourth of July orations, and in Europe it is only too frequently used as a text for doctrinarian politico-moral discussions. With history, however, it

has nothing to do. The historical fact is, that the Constitution had been 'extorted from the grinding necessity of a reluctant people.' "

The influence of Europe was not without its share in confusing political ideas: —

"It were folly to say that Rousseau's writings exercised any influence on the development of things in America. But the same spirit which gave birth to Rousseau's philosophy, and made it of such importance to Europe, was, long before Jefferson grew intoxicated even to madness with it in Paris, rampant in America. It indeed received its full development here only through the French Revolution, but a series of fortunate circumstances prevented its development to its ultimate consequences. It appeared in the New World in a modified form, but was not wanting there. And here for the first time it became clearly evident that the civilized New World was not separated from the old one by any broad unbridged gulf. They are not only governed by the same historic laws, but the great intellectual revolutions which take place in the one act simultaneously in the other, although in accordance with the existing natural conditions they never manifest themselves precisely in the same manner, or make their influence felt to exactly the same extent. One needs only to read the Declaration of Independence to be convinced that but one more impulse was needed, even in America, to permit these crude theories to be openly advocated, which, disregarding that which had prescriptive right on its side, in virtue of its history, would endeavor to sap the foundations of all things, to lay down their arbitrary premises as unquestionable truths, and which would have willingly, in a night, overturned the state and the established order of society, to make them accord with the ideas which they were wont to call 'natural rights.' "

In the second chapter, Dr. v. Holst goes on to comment on the remarkable fact that the Constitution, from being an object of the bitterest attack and of only lukewarm defence, became the political bible of the whole people: —

"It is possible for us to trace the earliest beginnings of the worship of the Constitution. At first it was looked upon as the best possible Constitution for the United States. By degrees it came to be universally considered as a masterpiece, applicable to every country. This was preached with so much unanimity and honest conviction, although internal quarrels were raging all the time, that the propagandism of the new faith reached even Europe. In the United States this conviction grows steadily stronger, although parties not only differ con-

cerning the advisability of certain practical provisions of the Constitution, but have been from the first diametrically opposed to one another in their understanding of the principles on which it is founded. From the close of the century, that is, from the time when the opposing principles assumed a fixed form, the Constitution has been the political bible of the people. The child sucked in with his mother's milk the conviction that this was the light in which he should regard it. The paternal *sic credo, stat fides mea pro ratione*, was a guaranty for the rightfulness of this conviction. What should be deduced from the Constitution in the future was quite another matter. The wilder the war of tongues, the louder the cry of the Constitution was raised on every side, and the more energetically did every one swear not to deviate from it even by a hair's breadth. For four years the people of the United States tore one another to pieces in the most frightful civil war recorded in history, each camp thinking in the best of faith that it was following the standard of the Constitution. The time will come when it will be difficult to conceive how even Europe, which it did not concern, could, in view of the seventy-five years of contest over it, have so universally and so emphatically united in the non-critical laudations the Constitution has received. . . . The Constitution has found many learned and intelligent commentators; but they have all considered its excellence to be an undoubted and universally admitted fact. What should have been only the result of their investigation, they made the premises of their arguments; and these arguments have been confined to the interpretation and to the bearings of the separate provisions of the Constitution. Much ingenuity has been spent in showing how its several provisions might be harmonized with one another and with the peculiar ideas of their authors on the nature and purpose of the general government. There has been no attempt as yet to consider the several provisions as parts of a whole, or to subject the whole to an objective critical examination in the light of history. The abler commentators, like Story, have now and then been forced upon conclusions from which it is but one step to such a course of treatment; but they have never carried out their chain of thought to that extent. They always break off at the decisive point, and proceed to the next question."

Dr. v. Holst himself gives no analysis of the Constitution, and leaves his readers to draw their own inferences from his story. From expressions scattered here and there, and from the general tone of his comments, it may be gathered that there were fundamental defects in the instrument, and that

the most fatal of these was the countenance it gave to State rights. Meanwhile he points out that the result of this fetish worship, as he calls it, was to turn away the public attention from the study of constitutional principles to a study of technical construction. The tendency to the creation of political dogmas kept pace with the development of democracy.

“A problem of this kind was then, and would be to-day, of much greater practical significance in the United States than, for instance, in England or in Germany; because, in some respects, the political thought of the Americans is much more superficial and immature. In political questions of a concrete nature, the Americans are, on an average, more competent judges than any people on the Continent of Europe. The political institutions of the country, its social and especially its economical relations, educate them from the cradle to independent thought on all questions involving material interests, and encourage them to summon their whole intellectual strength for their solution. But in the wearing struggles of daily life new problems of this character continually arise, and almost exhaust their intellectual strength. Their energy of mind is not in consequence great enough to give much depth to their thoughts on political problems of a general nature. The disposition towards generalization is sufficiently developed, but their observations are neither various nor long, nor reliable enough to warrant inductions of any real value. Half-true and vague ideas are, therefore, raised by them to the dignity of unimpeachable principles. These are appealed to on every occasion, so that they rapidly rise to the dignity of sovereign laws. And the more they assume this character, the stronger does the conviction become rooted that they are the stars by which the ship of state should be steered.”

Dr. v. Holst's idea appears to be that, in the process of converting the Confederacy into a nation, the Constitution made a convenient battle-ground on which the two old parties, States-rights men and Nationalists, could fight out their battle within a sort of self-imposed limit, much in the manner of a tournament. Under cover of the fetish worship, the old tendencies lived and thrived, merely interpreting the Constitution to suit their fixed ideas.

“Almost from the very day on which the new order of things was inaugurated, the conflict between the opposing tendencies broke out

anew, and before the close of the century it reached a degree of violence which suggested very serious fears. . . . The view which afterwards became more general, that during the first years of the existence of the Republic the thought of separation was never seriously entertained, is a historical misrepresentation made in the interests of party. Until the first part of the nineteenth century, the dissolution of the Union was a standing element in political speculation ; and both previous to and after that period, it was repeatedly considered possible, and even probable, in moments of excitement, by either party, that it would be necessary to resort to this radical remedy. . . . These views are, to a great extent, very different from those which are prevalent on the subject ; but they must accord with historical truth, for only in such case is the political history of the United States rational and explicable. Calhoun and his disciples were not the authors of the doctrine of nullification and secession. That question is as old as the Constitution itself, and has always been a living one, even when it has not been one of life and death. Its roots lay in the actual circumstances of the time, and the Constitution was the living expression of these actual circumstances."

During the administration of Washington the particularist tendencies were mostly quiet or organizing their strength. Only the disturbances commonly known as the Whiskey Rebellion threatened to develop into serious opposition to the power of the central government, and these were suppressed by Hamilton with a strong hand. But the retirement of Jefferson from Washington's Cabinet gave solidity to the opposition, and the accession of John Adams to the Presidency let loose all the passions of the old provincial jealousies. The first great storm was roused by the condition of our foreign affairs. Under the stress of imminent war with France, a Federal Congress enacted the alien and sedition laws. Thereupon Jefferson, with his masterly touch of a true political leader, caused the Kentucky and Virginia legislatures to issue what was to be the definition of constitutional principles for the Republican party. These famous resolutions declared the States to be the judges of infractions of the Constitution, and claimed for them the right to "interpose," or, in other but not essentially different words, to "nullify" the national laws. Already the Virginians went so far as to make arrangements

to seize the United States armory, and kept Dark's brigade in readiness to support their plans with military force.

"It is not possible to say whether, or to what extent, these preparations were directly incited by Jefferson and Madison. The suspicion resting on Jefferson is obviously the greater, as Madison was, from first to last, more cautious in his steps. Nor can any definite answer be given to the question how far Madison recommended more moderate measures, or how far a different interpretation of the Constitution lay at the foundation of these recommendations. Every move of his was made with anxious deliberation, and his native cautiousness, which sometimes degenerated into weakness and indecision, contributed beyond doubt to cause him to advise a milder and more tentative procedure. Besides, it may be that the internal struggle between his State and national patriotism, in both of which he was equally honest, hindered him from explaining to himself the 'interpose.' Perhaps he desired to leave open to himself, as well as to the legislatures of the other States, all possible ways of coming to a substantial agreement. It may be, too, that he entertained some real doubt whether the letter and spirit of the Constitution quite justified the last conclusion in the Kentucky resolutions of 1799, drawn from the correct principles (correct in his opinion), which were the common basis of the Virginia and Kentucky resolutions. Whatever estimate of the relative weight of these two motives may be made, the rôle played by Madison in the constitutional conflict which culminated in 1798 and 1799 throws much light on the real character of the Constitution itself and on the history of the development of the national spirit during the last decade. Much weight is not to be attached to the fact that Jefferson read the Constitution in such a way that the union of the States was, in principle, perhaps, a looser, certainly not a firmer one than it had been under the Articles of Confederation. It was not a difficult matter for Jefferson to act in opposition to his own theories; and it was still easier for him to reconcile himself to a contradiction between his words and his deeds. Ambition was the sovereign trait in his character. He was always ready to sacrifice much of his favorite theories to his feverish thirst for power and distinction, the more especially as his eminently practical instinct caused him often to doubt the tenableness of his ideal systems. Moreover, as he, partly from interest and partly because misled by his idealistic reveries, concealed his ambition under the mask of the greatest simplicity, stoical indifference, and even of disinclination to accept any political honor or dignity, so, too, his con-

science was not precisely what would be called tender in the weighing and measuring of words, whether his own or those of others. Such a character could scarcely always resist the temptation to make ink and paper say what, in his opinion, they ought to say. His mode of thought, which was a mixture of about equal parts of dialectical acuteness and of the fanaticism of superficiality, as short-sighted as it was daring, made this a matter of no difficulty. Hence it is that not the slightest weight should be attached *a priori* to his interpretation of the Constitution.

"The direct contrary of this is true of Madison. His was not a character so thoroughly and harmoniously constituted and developed as Washington's. He, too, concealed the depth of his ambition under a plain and modest exterior. When it or his over-sensitiveness was wounded, he too could be unjust to his opponents. The violence with which the party struggle was conducted by degrees carried him also so far away that he played a more covert game than can be entirely justified by the excuse of political necessity. And when it was a question of opposing a measure in too great conflict with his own party programme, he could descend to the letter and to petty quibbling, if he could not give his attack the necessary energy from the higher standpoint of the statesman. Spite of this, however, there was nothing of the demagogue about him. He is a purely constituted character, spite of the fact that his moral principles did not so unconditionally govern him as to leave his judgment entirely uninfluenced by his desires. It cannot be charged that he ever consciously approached the Constitution with the intention of discovering in it a word which he might make to serve his purpose by dialectical legerdemain. . . . But it can be shown that he now read the Constitution in such a way as to find in it something essentially different from what he had advocated in Philadelphia, and from what he thought he saw in the completed draught of it. If it be conceded that he did not read the Constitution now so as intentionally to introduce anything new into it, and this will scarcely be denied to-day, these different interpretations can be explained only on two assumptions: without sophistry the terms of the Constitution must admit of essentially different meanings, and Madison's political proclivities and judgment must have experienced a radical change since 1787 and 1788."

The election of Jefferson to the Presidency stopped the further development of particularist tendencies in the Southern States, for the time. But although parties changed their

ground, the situation remained essentially the same. On the one hand, Jefferson became the great centralizing influence, and interpreted the Constitution to suit his own momentary policy in that sense. His attitude in regard to the constitutional questions involved in the Louisiana purchase was a "frivolous way of dealing with his own convictions"; it was "audacious contempt of the Constitution." On the other hand, the Federalist party became particularists, and dabbled in small schemes of separation. Dr. v. Holst measures out a tolerably even share of severe condemnation on both parties for their foreign policy between 1806 and 1815, and for the domestic consequences which that policy entailed. He sees in the embargo only "one of the best illustrations of the tenacity with which this practical people hold, in the face of experience, to political theories, once they have accepted them as true." And he looks upon the War of 1812 as solely the work of two or three reckless young Congressmen, who had personal objects to gain. They reduced Madison to the position of a tool of their ambition.

"Clay was elected a member of the House of Representatives [in 1811] and was chosen Speaker. He used the disproportionately great influence of his position with masterly skill and astounding recklessness [for war]. He appointed Calhoun, who had been elected to Congress for the first time, the second member of the important Committee of Foreign Affairs, of which he soon became the head. The first month of the session had not yet passed when the two young zealots had brought it to such a pass that they could proclaim as a fixed resolution what, a year and a half before, Clay had given expression to as an eventual wish. . . . Randolph had said, in his great speech of the 10th December, that the committee had gone further than the President. Madison was indeed far from being able to master the situation. Endowed by nature with a clearer insight into matters of state, and with a much finer moral constitution than Jefferson, he became like wax in his hands when the Republican party had once obtained the permanent mastery in Virginia. The gift of persuasion which he possessed in an eminent degree, and which made him an invaluable ally, became ruinous to himself. When rocks stood in the way of his ambition, which his moral sense would not permit him to go round, his own judgment was then corrupted by a logic as sharp as it was insinuating. The impulse in this

direction he always received from others. To him were wanting the independence and energy of will which are the indispensable requisites of a great political leader. He remained, therefore, always a political attorney [Sachwalter] of extraordinary capacity, but never raised himself to the height of the statesman. These were qualities which eminently qualified him to serve as the right-hand man of his predecessor in the Presidency. But when he was himself placed at the head of the state, he found himself entangled in a terrible net, which he had wrought with his own hands. He was not the man to tear it in pieces with quick resolution, and his share in the production of the ruinous work was so great that he could not see that the net could be unravelled with success only on condition that the labor was begun without delay, with a firm hand, and in accordance with a well-considered plan. But even if he had seen it, he would scarcely have taken such a resolution, for in doing so he would have been passing judgment, not only on Jefferson, but on himself. Besides, now that the decision rested with him, his real nature got the upper hand. Moderate in his thought and judgment, he had always cautiously felt his way towards a middle course, where he had followed solely his own inclinations and judgment. Under the pressure of responsibility this commendable moderation now became painful uncertainty. Whatever was positive in the programme devised by Jefferson day by day crumbled away like baked sand in his hands. Every day the situation demanded more imperatively a decided initiative; but not only were the necessary qualities wanting in the man whose duty it was to act, but his whole programme, like that of the opposition, became more and more a purely negative one. Under such conditions, the field belongs, in a popular state, to those who have the courage to decide and to act. The *homines novi* in Congress had the courage, and therefore Madison became their tool. Their unsatisfied ambition expected to pluck in war, in rich abundance, the laurels which the questions of internal politics seemed to offer them little prospect of winning in the near future, because the democrats had an overwhelming preponderance. That there had been for years sufficient cause for war, is unquestionable; but it was, nevertheless, the work of a small, ambitious party in Congress. The country was dragged [hineingezerrt] into it, although the opposition party condemned it in a manner and to an extent which roused fear of forcible resistance and of treason; although the bearer of the executive authority and the head of the dominant party did not want it; and although only a small minority thought it really inevitable and demanded it with unaffected enthusiasm. This is a remarkable in-

stance how little self-government there is, under given circumstances, even among peoples which, by law, enjoy the most unlimited self-government, and how sharply facts often give the lie to the principle of the rule of the majority in republics. The war party obtained the majority in Congress, because vanity and the party interests of the majority forbade them to acknowledge their former mistakes. They had imposed every kind of restriction on commerce, and all that they had accomplished was to seriously damage their own interests. If they would not acknowledge that the idea which lay at the bottom of these restrictions was a false one, they were obliged to hold to the principle that there was no choice between these and war, and that policy and morals demanded a decision, in favor of the lesser evil, so long as by this means the attainment of the wished-for end still seemed possible. From this it directly followed that war was not only justifiable but must also be declared necessary. The same burden of logical consequences, drawn from premises which he had himself made, weighed upon Madison. The enthusiasts in favor of war were in a condition to make another influence felt, and this decided the issue. The Presidential election was impending, and the war party made the unconditional adoption of their policy a *conditio sine qua* of his renomination. That the threat could be carried into effect was to be looked upon as certain, for Monroe and Clinton were already prepared to accept the nomination from the war party, and this party could not therefore be at a loss for candidates. Madison was not a man of such rigid moral firmness that his convictions should have withstood such a temptation. He fell a victim, like others before him, and like men of the greatest political talents after him, to the Presidential fever. Clay and Calhoun, who had especially abetted him in this trade, made at the cost of the country, afterwards wasted away under the same incurable malady."

The States of Massachusetts, Connecticut, and Rhode Island refused to call out their militia, and thereupon the President complained to Congress that if these States were right in their interpretation of the Constitution, the Union was "not one nation for the purpose most of all requiring it."

"The complaint was only too well founded ; but what party was it that for twelve years long had toiled with restless energy to unravel thread by thread, or even to cut the national ties which the Constitution had been created to knit together ? By what right did the anti-Federalists imagine they could assume that the old proverb would

not apply to them, that he who sows the wind shall reap the whirlwind? Had not Madison stood for ten years in the front rank of those who preached and strove against further national consolidation with such zeal as to make it possible now for the original national party to lay hands on the roots of nationality in its most vital part?"

The Hartford Convention brought the Federalists squarely upon the ground taken by Jefferson and Madison in the Kentucky and Virginia resolutions fifteen years before.

"The programme of the Convention was throughout a party programme, and this party programme adopted on the fundamental constitutional issue the position formerly chosen by the radical wing of the party opposed to them. Ultra Federalists and ultra Republicans met on a constitutional principle whose logical consequence was the dependence of the national existence on the free pleasure of every single State."

From these early contests, the author now turns to the subject of slavery, and narrates the compromise of the Constitution, which he unqualifiedly condemns.

"The principle was bargained away for the sake of the Union, and hence every new demand dictated to the slavocracy by the impulse of self-preservation presented to the North the alternative of yielding and thereby separating itself one step further from the true principle, or of endangering the Union. . . . The longer men shrank from the test, the more dictatorially was the South certain to speak; the more she was sure to ask, the more must be conceded, and the more must the peculiar slavocratic interests dominate over the interests connected with the Union."

Then follows an account of the infamous legislation in regard to free colored men.

"Can all history furnish a second example of a nation flinging so great a lie with equal impudence in the world's face, as the United States, with its belief in the principles of the Declaration of Independence, did for almost a century?"

He then comes to the Missouri Compromise, and sums up the result of the dispute as follows:—

"Three constitutional questions—two of them of cardinal importance—had been discussed. Men had fought shy of all three for the moment, and for this reason the originators of the compromise

claimed that they had postponed the decision to the Greek calends. From a legal point of view only one positive result had been reached, and this was on a point concerning which no legal question existed. The Northern majority had indirectly renounced the right of Congress to forbid slavery, as far as the territory lying south of the line of 36° 30' was concerned, and it had agreed to this renunciation because the Southern minority had renounced on its side its claims to having the questions of law involved decided *now* in its favor, provided its concrete demands, which it based on its interpretation of the Constitution, were complied with. This was the true nature and the substance of the 'compromise' which gave Henry Clay the first claim to the proud name of 'the Great Peacemaker.'"

This is followed by an account of the dispute in regard to the Panama Congress and a sketch of the character of Henry Clay.

"No one will deny Clay's capacity for statesmanship; but he yielded too readily and too earnestly to the lead of his vigorous fancy. He had to thank it for many fruitful thoughts, but it often prevented his weighing the nature of his plans and the chance of their realization with the necessary soberness. The vast extent and the uncivilized condition of the young West, whose most distinguished representative he was, mirrored itself strongly in his thoughts. He dazzled his hearers by the splendor of his projects, won them a hearing by his fiery, alluring eloquence, and helped himself and his followers over the difficulties in the way by a glittering sketch of the consequences which must result from the development of the ideas. His fancy's flight was towards the sun, but it bore him so high that mountains and valleys began to melt into a plain, and the foot resting on earth stepped uncertainly and insecurely. Moreover, his boldness in decision and action, when every-day circumstances created great and momentous problems that imperatively demanded a thorough solution, did not correspond with his boldness in planning. At such times he could not even entertain an energetic wish for a solution, partly because he did not subject the question of its necessity to proper inquiry, and partly because traditional dogmas and a lack of moral courage made him start with the supposition of its impossibility. Bargaining was then the sum of his wisdom, and his activity degenerated into obstinacy in chaffering. An idealist who wasted the best part of his creative power in impracticable projects, and a politician who was an unsurpassable master of the art of solving great and unavoidable problems by little expedients, — these are the most nota-

ble traits in Clay's political character. They do not give his picture in full, but they mark the tendency of his influence upon the fate of the Union. His other qualities and achievements did not lift him above the level of ordinary politicians."

The author now proceeds to recount the collision between the younger Adams and the State of Georgia, in which he dwells upon the fact that the so-called victory of the national government was a barren victory which bore the same fruits as defeat, and he concludes his volume with a recital of the nullification struggle with South Carolina and a sketch of the character of Calhoun.

"Calhoun was a true son of the soil from which he sprang, and he therefore possessed in a high degree the characteristic traits of the Protestant population of the North of Ireland, to which he belonged by descent; that peculiar primitive energy, in which an enthusiasm more idealistic than ideal is strangely linked with stubborn consistency. The blood flowed in his veins not less hotly than in those of any other Carolinian; but a piercing intelligence and a soaring ambition held it sharply in check when great questions were to be weighed and decided. He had not the breadth of view that characterizes the statesman, but he had extraordinarily keen vision. From the sole of his foot to the crown of his head a speculative politician, he was wholly unaware of the results to which his policy would inevitably lead; but the practical instinct of the American race, and a political activity extending over many years, enabled him to find ways and means for bringing the burning questions of the day to such a solution that he constantly brought his doctrines nearer and nearer to practical realization. He was not idealist enough to delude himself with the hope of an immediate accomplishment of his whole programme, and not to reconcile himself to the withdrawal of half his stake if it appeared that he could then win the game, and must otherwise lose it entirely. But he was enough of a fanatic to allow nothing to interfere with his will if the choice between going forward and a partial sacrifice of the *principles* of his doctrines was once set before him. In such cases he was capable of making 'bend or break' his motto, and this not merely in moments of the highest excitement. His attitude remained the same even when the struggle continued for years. If he had been a visionary whose system was built up in the air, he could scarcely have done this; the material interests which formed the broad basis of his doctrines gave him the needed

strength ; yes, made this course a necessity. The Constitution and the history of its origin gave him only the formal foundation for the development of the doctrine of State rights, and its development with him and with the whole people did not rest upon *à priori* reasoning. He was originally by no means inclined to this opinion. The slavery question drove him into the path, and with the increasing development of the slaveholding interest he followed it on to the furthest consequences. By the light of slavery and in accordance with the laws of logic, he worked out the constitutional law of a democratic federative republic, and the logically correct result was a systematization of anarchy. He failed to recognize this fact because the doctrine was to him a means to an end, and his whole political reasoning became in time so completely identified with the prosecution of the one aim that the means became to his mind its own end. His inborn firmness, and the self-reliance that had been distorted into haughtiness under the influence of slavery, thus became obstinacy. It was not possible for him to place himself under the orders of a leader ; but the one-sidedness of his political reasoning and striving, and especially the readiness, almost genius, with which he mastered in an instant the whole range of questions which lay within his narrow circle of view, made him unfit to be the leader of a great party ; at the same time his talent and character marked him out for the head of a faction of extremists. But a growing ambition kept his eyes fastened upon the White House, which he could never hope to reach through a fraction, however devoted to him."

After an analysis of Calhoun's doctrines, showing that their very strength rested on the fact that they advanced no new principles, Dr. v. Holst comes to the compromise of 1833.

"The whole history of party up to that time had not seen stranger bedfellows than Clay and Calhoun were at that instant. They had begun their political career as brothers in arms, but now they had so thoroughly fallen away from each other that they did not even speak together. Even now no change was made in their personal relations. Party spirit and personal enmity have used this circumstance in order to stamp Calhoun as a 'coward.' Benton relates that Calhoun accepted Clay's conditions after he had been told by Letcher, a Kentucky representative, that Jackson wished to hear of no 'negotiation,' but was resolved to have him imprisoned and tried for high treason. Clayton, senator from Delaware, also declares that Calhoun's motive was fear lest Jackson should have him 'hung.' In this case, too, persistent repetition has sufficed to make the assertion of extreme

partisans become in the popular mind an historic fact. It has never once been asked whether it was in any way possible for Jackson to 'hang' the 'arch-traitor.' Jackson was enough of an autocrat not to let Americans, proud of their freedom, look back with too great satisfaction upon this chapter of their history. They need not at least boast, upon the most dubious testimony, that he had not an evil pleasure in acting as President with the same arbitrary brutality that he had shown as a general in hunting down Indians. Yet the law and Jackson's will were not always absolutely identical; and however certainly Calhoun, according to European ideas of public law, may have been guilty of high treason, it would have been difficult to have convicted him of it under the provisions of the Constitution. Calhoun was well enough acquainted with the decisions of the Supreme Court in the cases of Burr and Bollman not to be as much frightened by the first dark threat which came to him, at third or fourth hand, as, after a truce was agreed upon, his bitterest opponents affirmed. Only the partisan and the special pleader can lay weight on bits of history which have happened in the night and without a witness."

The volume closes with an analysis of the compromise measure in which "South Carolina had not obtained all that she at first demanded, but the Union had lost much and won nothing."

"Robbins of Rhode Island had rightly called the tariff bill in the Senate a practical recognition of the right of nullification, and John Quincy Adams had cried out in warning to the House that the result of paying such a premium for rebellion against the law must infallibly be the dissolution of the Union. As facts began to prove the truth of this prophecy, the most unreserved admirers of Jackson and the most conservative Democrats recognized the fact that the Carolinian, whom they had seen in spirit already hanging on the gallows, had wrung victory from the 'iron man.'

"It was a terrible victory; the vanquished have been shockingly scourged for the defeat suffered through their own sin, and the victors have been shattered in pieces by the consequences of the accursed triumph. But victors and vanquished brought down the punishment upon themselves, because there was one thing they did not understand, or, if they understood it, would not live up to it: 'Sovereignty can only be a unit and it must remain a unit,—the sovereignty of law.'"

The recapitulation of all the successive concessions to the

slave power, all the steps by which that power slowly converted the national government into an instrument of its own will, is a terrible one. It is with a shudder that one turns the last page of this tremendous indictment, and yet the volume ends at the threshold of the antislavery struggle ; the worst humiliations are not yet touched.

After devoting so much space to the reproduction of Dr. v. Holst's own words, commentary upon them must be brief and condensed. We will place ourselves so far as possible in Dr. v. Holst's own point of view and accept his premises as correct. It is true that he goes too far in saying as he does that the solidarity of interests among the American provinces rested mainly on the fact of their geographical isolation from the rest of the world. Similarity of language, and for the most part of race, were quite as essential elements, as is shown by the fact that Canada, although equally isolated, stood quite outside the range of American political ambition. But this is a trifle. The essential is that Dr. v. Holst has laid down in the clearest language the problem which lay before American statesmen for solution, and the difficulties which stood in the way of any solution at all. That problem was how to weld thirteen "sovereign States" into a nation without appealing to force.

It is characteristic of a European thinker that the greatest difficulty of all should be considered to lie in the confusion of ideas in the American mind in regard to the nature of the State. Americans would say that this confusion of ideas was itself, so far as it existed at all, the expression of a simple historical fact which European theorists seem never to be able to comprehend, that the thirteen colonies had a history, and were so many entities, which were then and are still believed to be in themselves good. The American statesman was not a French doctrinaire, and he was faced by a fundamental fact which he had to deal with as he could. The process was necessarily tentative, and some time was needed before it became quite clear what was the extent of the sacrifice that would be required of the State governments ; but so soon as this was ascertained, American statesmen went to work again in a perfectly practical spirit to adjust the balance. The question is whether the adjustment they made was satisfactory.

It is hardly worth while to defend the American statesmen of the last century further from the charge of confusion of mind. It was not their minds but the facts that were confused, and it is very much to their credit that they did not attempt to attack the subject from a standpoint of *a priori* theory, but all of them, even Hamilton, whom Dr. v. Holst admires so much, and who, according to him, alone comprehended the situation, rejected every thought of attempting to break rudely with the past. They were compelled, as a condition of the problem, to provide for the existence of two supreme powers in the nation. Dr. v. Holst seems to treat the very idea with contempt. But what says Hamilton, who is to Dr. v. Holst the sole representative of political perspicacity in that day?

“That two supreme powers cannot act together is false. They are inconsistent only when aimed at each other or at one indivisible object. The laws of the United States are supreme as to all their proper constitutional objects. The laws of the States are supreme in the same way. These supreme laws may act on different objects without clashing, or they may operate on different parts of the same common object with perfect harmony.”

Right or wrong in their solution of the apparently insoluble problem, both the problem and its solution were eminently practical, and cannot be satisfactorily treated from the standpoint of mere theory.

In this connection a similar criticism may be made on Dr. v. Holst's theory of the influence of French philosophy on the American mode of thought. He reduces that influence to a minimum, it is true, but he still overlooks the essential point that Americans were not Frenchmen. What with the latter was an eminently practical idea was to the former simply a speculative opinion. This point can be best illustrated by an example drawn from another foreign critic, who, as being himself a Frenchman, was apparently struck by this national peculiarity. If there was one man in America who was run away with by the French philosophy, it was Jefferson. If his political theories had been put in practice when he had the power to put them in practice, the result would have been very much what the result of similar experiments was in France, with the

difference that disintegration instead of despotism would have ensued. But Jefferson wanted to put his theories in practice only at such time as he had not the power, and when he had the power he carefully abstained from theorizing. The following picture, drawn by one of the first of French critics, gives an amusing sketch of our philosopher statesman as he appeared among the philosopher statesmen of Paris in 1788 and 1789 : —

“ Il était aussi maladroit en matière de gout et d'idées que judicieux en fait de conduite et d'affaires d'état. Il est plaisant de voir sa galanterie. Il veut être gai, gracieux, et il est balourd ; il fait penser à cet Allemand qui pour se donner l'air léger se jetait par la fenêtre. . . . Figurez vous des gens du monde et d'académie, parés, poudrés, beaux diseurs, gracieux, sensibles, qui munis de phrases et d'élégies, essayent de défaire et de remonter une machine énorme et compliquée à laquelle ils n'ont jamais mis la main ; voilà les Français du temps. Ce constructeur mécanicien qui leur arrive d'Amérique, et qui essaie de copier leur dissertations et leur costume, peut faire rire par son exagération et son manque de tact. Mais demandez-lui son avis en matière d'engrenages et de poulies ; à coté de lui tous les autres sembleront des bavards. . . . D'un coté le roideur et les audaces du théoricien, de l'autre la flexibilité et les attermoiements de l'homme d'action.”

This, however, is a mere parenthesis. The American statesmen had no doubt their own theories on the subject of natural rights ; but the Constitution is simply an expression of the utmost compromise that could be effected between two actual facts, — that of a common nationality recognized by all, and that of local independence equally recognized by all. True it is that this compromise was at last “ extorted from the grinding necessity of a reluctant people.” But we are utterly at a loss to understand why that fact should be used by Dr. v. Holst to diminish the credit of the act, which consists in the good sense which the Americans showed in perceiving that necessity, and the good temper they showed in acting upon it. If Dr. v. Holst finds it difficult to understand the reason for the “ laudation ” which this act of the American people has called forth, we will venture to suggest to him an illustration of the opposite course. The German people have now for one thousand years or more felt the “ grinding necessity ” of political union ;

but as yet they have, in spite of one lamentable effort to imitate the United States, "seen in the sword the only hammer with which their political machine, which was falling to pieces, could be welded together."

The same answer may be made to Dr. v. Holst's comments on what he calls the fetish-worship with which the American people came to idolize their Constitution. The fact of this idolization cannot be denied. It was one of the first developments of that national feeling which the Constitution was created to develop, and to that extent it was a demonstration of the success of that instrument. But the feeling of veneration for the Constitution was wrong, not because it was veneration, but because it was veneration from mistaken reasons. In the same way the English-speaking people have idolized Magna Charta, to say nothing of other great documents with which they have marked the various stages of their political progress. No one of these has fully satisfied the theoretical requirements of the political situation, but they have all met the exigencies for which they were framed, and have worked sufficiently well until they have been succeeded by something better. Their practical success is the strongest evidence of the English genius for government, and it is the practical success of the Constitution which must be the test of the wisdom of its creators. Let us then proceed to examine the weight of Dr. v. Holst's criticisms from a practical point of view.

As Dr. v. Holst clearly points out, the object of the founders of the Constitution was to weld thirteen "sovereign" States into one nationality. In the words of the preamble to the Constitution itself, it was "to form a more perfect union." He is quite right in his assertion that nullification and secession were not the creatures of the slavery question, but run through the whole century of our history as its particular ear-mark. Yet it is difficult to comprehend why he should consider this fact as a fault of the Constitution. Had there been no particularist feeling, there would have been no need of a closer union; the task of the Constitution would have been already performed. The only real question is, how the Constitution has performed its work of union in the face of these particularist tendencies; how it has answered its purpose in control-

ling them. It is perfectly true that Jefferson and his party interchanged places with the extreme wing of the Federalists ; that each in turn belied its own principles according as each was in power or in opposition. Let history judge them as individuals and as parties for their inconsistencies, and visit on them what condemnation it thinks meet. But the fact which the constitutional historian has to bear in mind is, not what were the inconsistencies of individuals, but what was the effect of these inconsistencies on the government. And it is a part of Dr. v. Holst's own reproach that when the opposition party was vested with a public trust, it followed precisely the same course as its opponent. What was established as law by Washington was respected as law by Jefferson. The precedents established by the Federalist administrations were accepted and enlarged by the Republican administrations. That Jefferson should have exercised as President powers more questionable than any of those which he had triumphantly assailed his predecessors for wielding, may prove that Jefferson was an unscrupulous politician, but it also proves, what is of far more consequence to the world, that the American political system was stronger than the individual, and that the Constitution vindicated its energy in its working. That J. Q. Adams should have been driven from power nominally because he advocated the application of national money to internal improvements, and that the application of national money to internal improvements should have continued with accelerated pace from that day to this, is only another instance of the operation of the same law. The very charges of Dr. v. Holst against Jefferson, Madison, and Jackson are founded on the assumption that, as a matter of fact, they consistently carried out the national theory of the Constitution, at the expense of their own private consistency. In their hands, as in those of Washington and the two Adamses, the authority of the Executive was not only maintained but consistently enlarged, although jealousy of the Executive had been one of the fundamental articles of faith among the opponents of the Constitution.

If this be the case with the Executive, the first great constitutional agency, the argument is still stronger in regard to the

second repository of political power, the legislature. Dr. v. Holst is very severe upon the repeated change of front which characterized the attitude of the legislature and of parties on the subject of a national bank. He is very justly shocked at the somersaults turned by Clay and Calhoun on the subject of constitutional powers, and few sensible American critics will care to defend the consistency of those gentlemen. But their inconsistency is in itself the strongest proof that the system was working out, with almost excessive energy, the results which it had been created to attain. That the legislature should construct a national bank ; then should allow it to expire on the ground of its unconstitutionality ; then almost immediately reconstruct it because experience proved it to be necessary, and therefore constitutional ; then allow it to expire again because the President of the day chose to say that he considered it unconstitutional ; that thereupon it should organize, step by step, a sub-treasury system, issue treasury notes to an unlimited extent, give these notes the character of legal tender, and so assume entire control over the standard of values, raising or lowering that standard at will from day to day ; and finally should mass all the private banks in the country into one huge banking organism, subject to the simple will of the national legislature, and acting on politics with far greater force than ever the Bank of the United States dreamed of doing ; that the legislature in the course of eighty years should do all this, proves that constitutional theories fluctuated in appearance, but that the authority of the national legislature grew, in fact, with a degree of rapidity that bade fair soon to justify the fears of George Mason, of Patrick Henry, of Samuel Adams, and of Thomas Jefferson, whom every European theorist insists upon branding as blockheads, because they thought they saw in the State organisms a protection against the uncontrolled despotism of the central government:

And if it be an indisputable fact that the Executive and the legislature worked with almost too great force and steadiness for the establishment of that "more perfect union" which they were called into existence to develop, what shall be said of the last great branch of our government, the judiciary, the most original and the most carefully planned of all the por-

tions of our constitutional machine? It would be unfair to forestall what Dr. v. Holst may have to say on this subject, but it will be interesting to see whether Marshall, too, is to be adjudged a failure, and whether the Constitution from this point of view also is to be overthrown.

If then, starting from Dr. v. Holst's own postulates, it must be conceded that the Constitution as a practical machine has fulfilled the purpose of its creation, and has really formed a more perfect union and welded thirteen sovereign States into one nationality, we conceive that his objections to it fall to the ground. Americans are under such circumstances fully justified in their veneration for it, and the "Fathers" may rest in peace in their graves, without fear that their children will join in attacking them for not doing what it was utterly out of their power to do.

There remain now two serious subjects to deal with, in regard to which Dr. v. Holst has been excessively severe. The first of these is the War of 1812, into which the nation was "dragged against its will," and which offers "a remarkable instance how little self-government there is even among peoples who by law rejoice in the most unlimited self-government, and how often facts give the lie to the principle of the sovereignty of the majority in republics."

Either this is merely a somewhat pompous way of saying that the majority are commonly controlled by the men of the strongest will, or it is an assertion that self-government is impossible in republics, because the people do not directly decide every question by a popular vote. Dr. v. Holst is not given to preaching shallow platitudes, and we will not insult him by supposing that he meant here to proclaim one. What, then, does he mean by denying the possibility of self-government, merely because the representatives of the people, in the regular exercise of their trust, acting within the strict limits of their constitutional powers, and under a full sense of responsibility, decide to adopt a measure which a majority of their constituents may not at once approve? One of the most bitter charges brought by Dr. v. Holst against the American political system is that it destroyed the idea of representation, and degraded representatives into mere mouth-pieces of their immediate constituents.

And now he takes the broad ground that self-government is impossible because a majority of the legislature, influenced thereto by a few strong-willed men, did what he is violent against them for not habitually doing, that is, adopted a measure without waiting for a mandate from their constituents. If we supposed that this paragraph was intended to be read in America, we should conclude from it that the author was merely incapable of correct reasoning. But from internal evidence it seems probable that the sentiment is intended solely for a German audience, and that its aim is to demonstrate that Prince v. Bismarck is essentially as good a representative of self-government as Washington and Madison. If so, we have nothing to say in regard to it, beyond the mere suggestion to Dr. v. Holst, that however bad an institution Tammany Hall may be, it at least did not corrupt our American universities, nor pervert the moral sense of our historians.

And now in regard to the War of 1812, which arouses feelings of such deep hostility on the part of Dr. v. Holst. We have no intention of fighting that celebrated war over again, but, in the face of the pure doctrinaire views of the German professor, we may, perhaps, state what is conceived to be the concrete view taken of the subject by the vast majority of Americans at the present day. The statement that the country was dragged into that war to satisfy the ambition of two young Congressmen may be best met by a quotation from Dr. v. Holst's own words in another place: "The history of the United States is a too serious and instructive chapter in the world's history to be brought into the domain of trifles by the explanation of its most significant phases of development as due to the pettiest and most grovelling impulses of single individuals, permitted by circumstances to play a part in them." Calhoun and Clay had, in themselves, no weight whatever, except so far as they were representative men.

The truth is, that as the present century began, the fruit of the Constitution began to ripen. A new generation of men came on the stage, whose principal characteristic was an intense sense of nationality. The first of these was J. Q. Adams, whose passionate devotion to this ideal may be seen by any one who will cast a glance into his Diary, or any of his con-

troversial papers; the second was Clay; and the youngest, Calhoun. Dr. v. Holst does small justice to Clay in this respect. From the beginning to the end of Clay's long career, devotion to the dignity, the prosperity, and the harmony of the Union was his one rule of action. Calhoun fell away from him on one side, and Adams on the other. Both these men had a clearer insight than he into the heart of the situation. But Clay remained to the last what he had been at first, the unconditional supporter of nationality.

For years before the War of 1812, the younger portion of the community, especially in the West and Southwest, had been wrathful at the ignominy of the situation into which the two old parties had brought the country. Between the timid and undignified policy of Jefferson on the one side, and the narrow factiousness of the remnant of the Federalists on the other, they found no vent for that energetic self-assertion which belonged to their age and their situation. It was the rebellion of this youthful, and, no doubt, arrogant and reckless, spirit against the domination of what it considered an unpatriotic and cowardly party rule which brought on the War of 1812. Clay and Calhoun were able to force the declaration of war, simply because they represented that spirit, not because they were ambitious. And their power was itself a very fair measure of the extent to which the Constitution had succeeded in its work of building up a strong sense of nationality in the people.

As for the share that Madison had in the declaration of war, and the motives that impelled him to it, Dr. v. Holst is hardly to blame for taking a view which has been almost universally taken by Americans themselves; yet it would seem as though he might have applied for the benefit of Madison the same principle of political criticism which he has very properly adopted in regard to Calhoun; and this with the more propriety because Madison, of all the leading characters in American history, was the one who felt most keenly the burden of responsibility, and who was most sincerely conscientious in his public acts. To attribute his course to a desire for re-election to the Presidency, when it is perfectly reconcilable with the most patriotic motives, is, in Dr. v. Holst's words, "to bring history into the domain of trifles."

Finally, in regard to the War of 1812, it ought to be said that, so far as that war has still an interest to Americans, it represents now, as it did then, the self-assertion of a young and proud people just becoming conscious of their own future. Opinions will always differ very greatly as to the policy of such a war, and the motives of the individuals who were most active in causing it to be declared ; but, so far as the nation is concerned, we state a mere fact when we say that of all pages in American history since 1789, the one which most Americans would be least willing to efface is this same War of 1812. And this for good and sufficient reasons. The American is by no means proud of his military appearance during that war, and the glories of Lundy's Lane and Chippewa have faded. It is not on account of military glory that this war is still popular. Nor is it even on account of naval glory, though it must be confessed that there are probably very few Americans now living to whom it is not to this day a subject of occasional rejoicing that on the 19th August, 1812, the British flag was hauled down from the stump of the "Guerriere's" mizzen-mast, and so some at least of the long series of British insults and outrages were at last atoned for. Nor is it merely because that war probably exhausted the national resentment, and so prevented other and more bloody collisions. The reasons why the War of 1812 is and always will be popular are, in the first place, because there is such a thing as self-respect in a nation, and that war was, in its essence, simply a rough and somewhat clumsy assertion of that self-respect, for the first time in the national history ; and, in the second place, because it did more to strengthen the national feeling than all the twenty-five years that had preceded it. And yet it is quite true, as Dr. v. Holst asserts, that it was a party war. Perhaps he will explain how it could have been anything else than a party war, when, on his own postulates, nationalism was always the single great issue in politics, and the party out of power was necessarily a particularist party. Any war in those days must have been a party war, but the advantage of this one was, that it taught one part of the country a lesson of national feeling which, to this day, is keenly felt. New England learned then, once for all, not to trifle with the Constitution and with the Union.

It would be well if we could dismiss with equal peremptoriness the criticisms to which the political influence of the slave power gave rise. Unfortunately this is a chapter of American history which admits of no defence or palliation. Slavery warped the Constitution itself in a manner that for the time amounted to absolute perversion. Yet from a constitutional point of view we have a right to require the historian to be true to his own creed. Dr. v. Holst sets out with the assertion that the clew to our history during the last century is the struggle between nationalism and particularism. He considers the leaning of the Constitution towards State rights a fatal defect. The object of his book is to demonstrate this abstract proposition. He must then hold to his thesis.

The framers of the Constitution had difficulties enough to encounter, but there was one difficulty which they had no reason to foresee and never could have provided for. Had they contemplated the probability of such a development of the slave power as subsequently took place, they would certainly have abandoned their task in despair. The Constitution was not intended to be subjected to such a strain. Nor is this any fault of "the Fathers." As Dr. v. Holst has correctly pointed out, the great development of the slave power in politics was due to economical causes which were of a later origin, and the original concession made to the slaveholders in the Constitution was made on the theory that if there was any truth in the fundamental principles of human liberty, that truth was sure to vindicate itself by steadily undermining and destroying slavery. The principle was correct, although it worked itself out in an unexpected way. From their point of view the compromise was wise and proved the practical good sense of the parties to it. Their business was "to form a more perfect union." This they did, leaving the future to demonstrate the truth of their fundamental principles, so far as necessity compelled a temporary departure from them at the outset. Economical causes subsequently gave to slavery a prodigious development. It became a power in politics. For the first twenty-five or thirty years the Constitution had been subjected to the full strain of its State-rights tendencies, under conditions more unfavorable than were ever likely to recur, and had

not only made head against them, but had fairly conquered and bound them, so that there seemed to be no reason to apprehend further danger from that side, when suddenly, under the guidance of Calhoun, the slave power seized upon the old and almost exploded theory of State rights, vamped it up, gave to it a superficial varnish of logic, and so breathed into it new life. But that life was due not to the "inherent defect" in the Constitution in countenancing State rights, but to the unexpected development of the cotton industry. What Calhoun really defended was, not State rights, but the slave power; and what the North really had to fear was, not State rights, for if Calhoun had become President he would in all probability have been as strong a centralizer as Jefferson, but the perversion of the Constitution to the interests of slavery instead of those of freedom.

The concessions of the North to the slave interest are again a very fair measure of the success of the Constitution in doing its work of forming a more perfect union. No doubt it is true that more and more as time went on the finer sense of political principle was sacrificed to the growing passion of nationality: but for all that the Constitution was doing its work, and considering that it was now called upon to vindicate its existence against a greater enemy than its founders had ever dreamed of; considering that this simple declaration of certain practical rules of government was now the only instrument for preserving the nation from a peril so colossal and so terrible that one now stands aghast at it, and our foreign critics can actually taunt us with having "torn each other to pieces during four years in the most frightful civil war recorded in history"; considering that as a matter of fact the Constitution did its work and that the nationality it created was so tremendous a force that at the first moment the slave power ventured to raise its hand against it, that moment the North suffocated the slave power in its own blood, — surely we may, as Americans, venture to hide the wounds which the Constitution suffered during those years when it was our only hope, and still retain for it that veneration which, if not idolatry, is, we are bound to confess, something very near it.

We have no intention of deprecating foreign criticism or of

excusing inexcusable faults ; but we have a right to claim and we do claim that the Constitution has done its work. It has made a nation. It has thoroughly vindicated the good sense and practical statesmanship of its framers. And more than this, in spite of the many shortcomings and petty drawbacks which are so well catalogued in this book, the people of the United States, as they pass further and further from the vital struggles which characterize this first period of their national history, are quite right in believing that, above all the details of human weakness and corruption, there will appear in more and more symmetry the real majesty and force of the national movement. If the historian will only consent to shut his eyes for a moment to the microscopic analysis of personal motives and idiosyncrasies, he cannot but become conscious of a silent pulsation that commands his respect, a steady movement that resembles in its mode of operation the mechanical action of Nature herself. As one stands in the presence of this primitive energy, the continent itself seems to be the result of agencies not more unlimited in their power, not more sure in their processes, not more complete in their result, than those which have controlled the political system. And if it be true that the moral of our history is correctly expressed in the aphorism quoted from the Prince v. Bismarck, that "sovereignty can be only a unit and it must remain a unit,—the sovereignty of law," then the history of the United States during its first century is surely entitled to the credit of having developed that principle with a rigor and on a scale which is not without its majesty and pathos.

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